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THE LIBERTIES - SUITE 3

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28 December 2015

Planning Board  
Town of Lexington  
1625 Massachusetts Avenue  
Lexington MA 02420

RE: BROOKHAVEN  
960-1010 WALTHAM STREET, LEXINGTON

Dear Board Members:

I am working with Bill Dailey, attorney, and former Trustee of Brookhaven, and Jim Freehling, Brookhaven CEO and President for the last twenty-two years, regarding Brookhaven's Planned Residential District Article to be filed for the 2016 Annual Town Meeting. This is our letter in support of the Preliminary Site Development and Use Plan ("PSDUP") and as required by the Board's Development Regulations ("Regulations") as follows.

PROPERTY LOCATION, REGULATORY HISTORY AND DISPOSITION

Symmes Life Care, Inc., D/B/A Brookhaven at Lexington ("Brookhaven") was incorporated in December 1984 as a Massachusetts not for profit corporation for the purpose of meeting the housing and health care needs of the elderly. It acquired 26 acres of property at 1010 Waltham Street from the Ricci Family who had operated greenhouses on the land for decades. That land was rezoned by Town Meeting in 1986 to an RD Planned Residential District, enabling Brookhaven to become a full-service life care retirement community, one of the first in the western suburbs.

Following Town Meeting approval, in 1987 a Zoning Board of Appeals ("ZBA") Special Permit approved a retirement community of 205 Dwelling Units and a 41 bed nursing home; and 316 parking spaces with provision to add 10% additional spaces as needed.

Special Permit conditions included:

- 1) an annual payment of real estate taxes of \$175,000 adjusted each year to reflect Town taxation changes. Brookhaven's current payment to the Town for CY 2016 is \$482,766. Brookhaven is the only non-profit in Town making a payment in lieu of real estate taxes.

- 2) A contribution to the Town for affordable housing of \$402,000 which the Town used to acquire LEXHAB units.
- 3) Installation of an 8" water main line running from Concord Avenue down Waltham Street to the Brookhaven property.
- 4) Preserving and maintaining the historical Old Town Road on the property with integration of walking paths, and erecting markers to explain the significance and location of the property. As shown on the attached map and "Old Town Road" sign marker in color, Brookhaven has developed a series of trails and sidewalks open to the public and residents, including the "Amyas Ames Nature Trail" located on its property. This trail connects to the other trails off site. The Western Greenway is close by. Brookhaven plans an additional nature trail on its newly acquired 6 acre parcel.
- 5) Grant a Conservation Restriction to the Town, or in lieu of, a conveyance of land for conservation purposes. Brookhaven subsequently deeded a 3 acre portion of its property to Town Conservation, Assessor's Map 5, Parcel 18A.

Special Permits for minor deviation of the Brookhaven RD in 1994 provided an additional eight beds for the Nursing Center, and in 1999 nine units of Assisted Care were added.

#### 2004 RD AMENDMENT

In 2004, Brookhaven obtained Town Meeting approval to add a cluster of 48 independent units while repurposing 6 existing independent units, adding 11 Assisted Care units and creation of additional space for a Health and Wellness Center. The current facility totals 240 independent units, 20 Assisted Care units, and 49 beds in the Nursing Center.

The 2004 ZBA Special Permit conditions included:

- 1) Lexpress contribution to the Town of \$1,000 annually. Brookhaven also made a \$5,600 contribution to Lexpress in honor of Brookhaven's 25 year anniversary of operation;
- 2) A \$100,000 contribution to the Town for affordable housing;
- 3) Natural stone retaining wall since built.

NEWLY ACQUIRED LAND/ADDITION TO AND AMENDMENT OF RD

In 2012 Brookhaven acquired adjoining property at 960-990 Waltham Street, consisting of approximately 6 acres. This new property includes Town Assessor Map 5, Parcels 19C, 20, and 21A. Brookhaven's existing property is Map 5, Parcel 16A.

This PSDUP proposal seeks to rezone the new property from the RO Planned Residential District and add it to the existing Brookhaven RD. Brookhaven also seeks to make improvements to its existing facility, which requires an amendment of its RD. Town Meeting approval is required for both a rezoning from RO to RD and an amendment of the existing RD. The PSDUP is thus a restatement of the RD to make improvements to the existing facility and to include the adjoining new property within it as one RD composite.

PROPOSAL

In 2014 Brookhaven's Trustees, many of whom are Lexington residents as shown on the attached list, established a Master Planning Task Force to identify facility and program changes to serve its community population. Average resident age is 86, with some over 100 years. There has been a growth in Brookhaven's entry wait list, which now exceeds 250, and approximately 30% of those waiting are from Lexington. See attached Lexington Housing Production Plan, "Affordable Housing: Goals and Strategies for Lexington, March 2014 Table" showing expected growth in the 65+ age group.

The Brookhaven Task Force determined the need to reduce the number of Skilled Nursing units; renovate the Nursing facility to provide all private rooms for residents; the need for additional Assisted Care units to replace the Skilled Nursing units; all to better meet needs of the existing population and consistent with Brookhaven's Health and Wellness goal to have residents in the least restrictive environment.

To accomplish these objectives without impacting current resident fees, additional independent fees are needed to maintain affordability for current and prospective residents. Brookhaven's proposal includes new construction of 49 independent living units; reducing the Nursing facility by 37 beds and replacing those rooms with 30 new Additional Care units. Upon completion, Brookhaven will have a total of 289 independent living units, 50 Assisted Care units, and 12 beds in the Nursing Center.

#### COMPLIANCE WITH ZONING BYLAW, DEVELOPMENT REGULATIONS

The PSDUP is prepared pursuant to ZBL Section 7.3 Planned Development Districts, and specifically Sections 7.3.1, 7.3.3 and 7.3.5. The PSDUP satisfies the Standards for the Planned Residential RD Development District required by 7.3.3.1 and modified by 7.3.3.2 as indicated in the Dimensional Controls and Table of Development Data in the attached PSDUP text. As indicated on the Text Plans, the two means of access requirement of 7.3.3.3 is satisfied.

#### REASONS FOR REZONING

The Regulations § 175-71B(4) ask why a change from the RO to the RD zoning district is justified and appropriate.

With the existing Brookhaven facility already zoned RD and in successful operation for 26 years, it is most appropriate that a newly acquired adjoining parcel be added to the RD for expansion purposes. The surrounding area is particularly conducive for expanding Brookhaven's residential life care community as evident in the neighboring Avalon at Lexington Ridge apartment complex and the condominium complex adjacent to Brookhaven. Otherwise, the surrounding area on the Lexington/Waltham line is predominantly commercial and institutional.

#### COMPARISON OF EXISTING DISTRICT AND PROPOSED DEVELOPMENT

Regulation § 175-71B(5) requests a comparison with development permitted in the existing RO zoning district. As part of the attached PSDUP, Brookhaven is providing a proof plan and analysis of residential development potential of the newly acquired 6 acre parcel. Prior to Brookhaven's acquisition of that parcel, the former property owner had obtained special permitting for 14 residential units.

At the December 16 Planning Board meeting a question was asked about the dimensional standards proposed and if Brookhaven intended to subdivide its property. As indicated in the PSDUP text, 2. Dimensional Standards, Brookhaven proposes the minimum dimensional standards of the Zoning Bylaw for an RD Planned Residential Development which include minimum lot size of 125,000 sf and minimum frontage of 100ft. While it is possible to legally subdivide its property into smaller lots, Brookhaven has no intention to do so; and given that the PSDUP proposed specific use is a life care retirement



community for the existing Brookhaven facility as expanded and for the proposed new building, subdividing the land into smaller lots is practically infeasible for continuing that specific use.

#### COMPLIANCE WITH PLANNING BOARD COMPREHENSIVE PLAN

Regulation 175-71D(2)(k) requests "other non-regulatory material" with some explanation or justification of how the RD proposal shows compliance with the Comprehensive Plan ("CP").

An objective of the CP is to promote housing diversity in our predominantly single-family Town to accommodate a diverse population including seniors, those living alone, and those physically disabled. As noted above, Brookhaven was one of the first retirement life care communities for seniors. Its expansion has continued to serve this population for 26 years. The proposed expansion would address the growing demographic of elderly population as evident in the Board's Housing Production noted above.

An economic goal of the CP is to provide fiscal support for Lexington's high level of services and opportunities for its residents. Notably, Brookhaven is the only not for profit making an annual payment in lieu of real estate taxes. The proposal enhances services for the growing senior population, yet has less impact on Town infrastructure and services compared to developments increasing the number of school-aged children.

#### IMPACT ON TOWN SERVICES AND PUBLIC FACILITIES (REG. 175-71B(7))

The Proposal's impact on public facilities and services will be negligible given that it is a modest expansion of a 26 year old facility.

Brookhaven has compliant fire suppression and security alarm systems in place. The new building will be sprinklered. Brookhaven uses private transport to complement public emergency vehicles and has nurses on site 365 days of the year; along with overnight security guards who patrol the buildings and grounds. The traffic impact is of minimal consequence with an average population age of 86 as confirmed in Brookhaven's traffic report.

Vehicular traffic generated by Brookhaven residents has been minimal for 26 years. While residents enjoy the independence of vehicle availability, the number of trips is essentially insignificant, with vehicles leaving parking spaces infrequently, and mostly during non-peak hour traffic times. Brookhaven has two 14-passenger wheelchair accessible vans for shopping or access to Alewife Station. Brookhaven is on the Lexpress route and many residents use "The

Ride," FISH, and LexConnect. Traffic is also minimized by Brookhaven having its own store, branch bank, and atm.

Again, it is worth noting that there are no education, infrastructure associated costs for a proposal without school-aged children. All residents are required by the life care contract to be 62 years or older.

#### IMPACT ON ENVIRONMENT (REG. 175-71B (8))

An analysis of the effect of the proposed development on environmental considerations is provided in the attached PSDUP Text.

#### ANALYSIS OF TOWN FISCAL CONSIDERATIONS (REG. 175-71B (9))

Attached is a summary of Brookhaven's annual payment in lieu of taxes from CY 2005 to 2016 which indicates an increase from \$312,123 to \$482,766 over that period. As noted above, Brookhaven's first such payment began in 1987 at \$175,000 and steadily increased thereafter. Attached is Brookhaven's agreement with the Town as amended by letter dated July 1, 2005 after Brookhaven had been approved for the addition of 48 new independent units and 11 assisted care units.

Brookhaven is in the process of initiating discussions with the Board of Selectmen/Town Manager to determine a contribution to address affordable housing as related to its proposed expansion, as it did with its original construction in 1987 and expansion in 2004. The 1987 contribution of \$402,000 and the 2004 contribution of \$100,000 were used by the Town for LEXHAB units. The payment in lieu of real estate taxes and Lexpress contributions noted above will continue annually.

The previous Town permit conditions of annual payment in lieu of real estate taxes and annual Lexpress contribution are brought forward and numbered 1 and 4, respectively, in 5.Special Conditions, of the PSDUP text. The previous permit condition as to trail preservation is numbered 3. Brookhaven's contribution for affordable housing, upon discussion and agreement with the Town, may be inserted and numbered 4. Alternatively, Brookhaven is amenable to these conditions being incorporated within a separate Memorandum of Understanding with Town if the Town requests.

#### OTHER PUBLIC BENEFIT

Brookhaven's 26 year experience is a unique community success story of extensive local participation. Its many Lexington residents have remained

active and vibrant within the Lexington community. It has served as an excellent meeting venue for community group activities associated with the South Lexington Civic Association, Scouts, Lexington Rotary Club; Tufts University Osher Life Long Learning; Patriots Day "Old Guard" among others. An extensive list of Brookhaven's Social Accountability in this regard is attached.

Based on all of the above, we respectfully ask for the Board's recommendation to Town Meeting on this proposal which helps keep Brookhaven competitive and affordable and continuing its considerable and unique contribution to the greater Lexington community.

Thank you for your time and consideration.

Very truly yours,

A handwritten signature in dark ink, appearing to read "EC Grant", written in a cursive style.

Edmund C. Grant

cc: William J. Dailey, Jr.  
James M. Freehling

ECG/lsg  
Enc.

***Symmes Life Care, Inc.***  
***2015***  
***Board of Trustees***

***Officers (ex officio)***

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James M. Freehling, CEO/President  
Jeanne Krieger, Vice Chair  
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Robyn Gittleman  
Jamie Katz  
Joan Keenan  
Walter Leutz, PhD  
Pamela McNamara  
Eric Schwartz  
Thomas Sheridan  
F. David Wells

**Brookhaven at Lexington**  
**Payment in Lieu of Taxes (PILOT)**

Year	Amount	Increase over Prior year
2016	482,766	3%
2015	468,705	3%
2014	455,053	3%
2013	441,799	3%
2012	428,931	3%
2011	416,438	3%
2010	404,309	3%
2009	392,533	3%
2008	381,100	5%
2007	362,496	14%
2006	318,054	2%
2005	312,123	
2004		

\*One Payment/Invoice

Only have 2 Quarters c

	2000	2010	2020	2030	Change 2010-2030	Percent Change 2010-2030
0-4	1,728	1,438	1,294	1,318	-120	-8.3%
5-19	6,694	7,307	6,571	6,329	-978	-13.4%
20-34	2,622	2,442	2,765	2,670	228	9.3%
35-54	10,234	9,756	8,934	9,347	-409	-4.2%
55-64	3,310	4,600	5,026	4,432	-168	-3.7%
65-74	2,716	2,726	4,072	4,501	1,775	65.1%
75+	3,051	3,125	3,243	4,462	1,337	42.8%

Source: MAPC

	2000	2010	2020	2030	Change 2010-2030	Percent Change 2010-2030
0-4	1,728	1,438	1,294	1,318	-120	-8.3%
5-19	6,694	7,307	6,571	6,329	-978	-13.4%
20-34	2,622	2,442	2,765	2,670	228	9.3%
35-54	10,234	9,756	8,934	9,347	-409	-4.2%
55-64	3,310	4,600	5,026	4,432	-168	-3.7%
65-74	2,716	2,726	4,072	4,501	1,775	65.1%
75+	3,051	3,125	3,243	4,462	1,337	42.8%

Source: MAPC

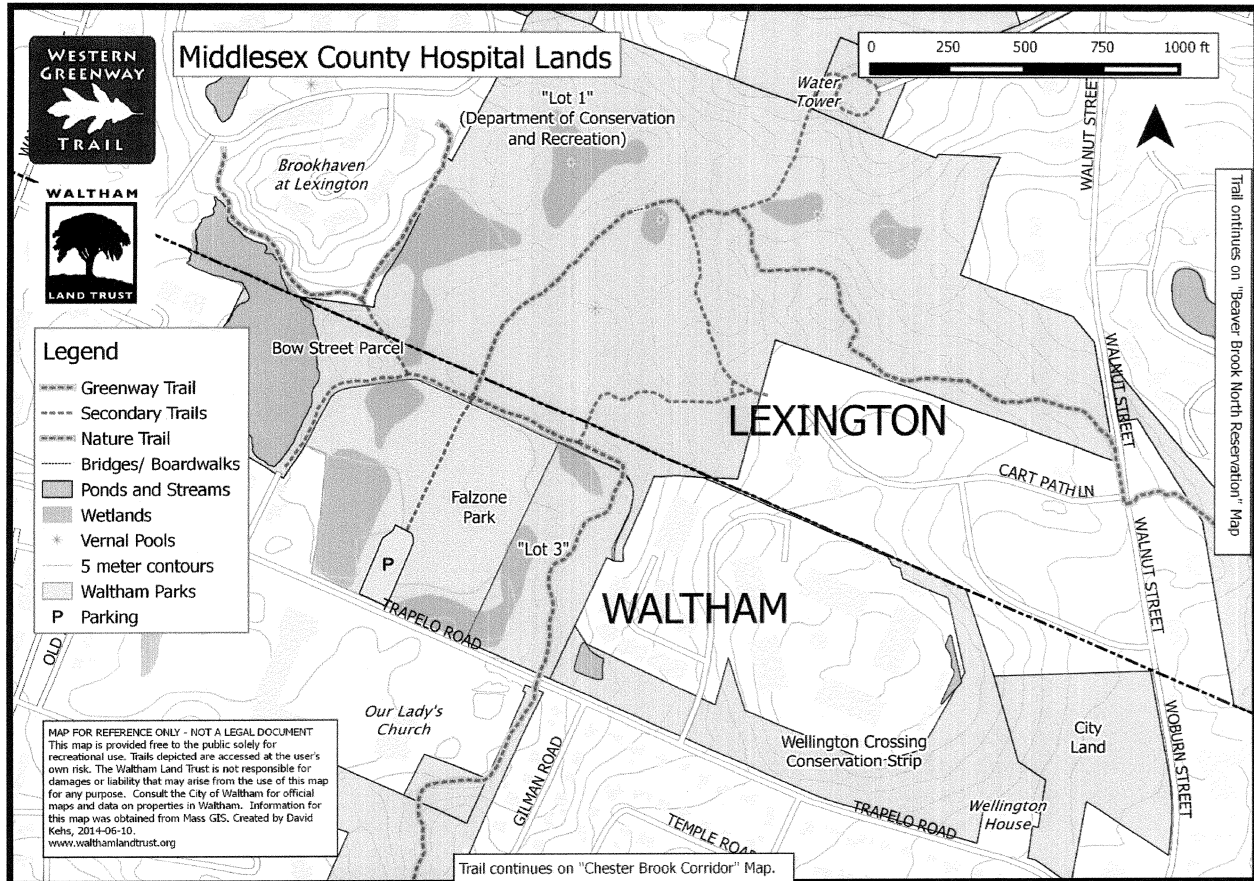
## OLD TOWN ROAD

A town road was "Ordered" in 1660 and 1703 when Lexington was part of Cambridge. Early stone walls still mark the road.

By the end of the 18th c the road connected the main route to Boston with one to Bedford and another to Concord and Lincoln. The road's importance dwindled as new approaches to Boston became possible with the advent of bridges across the Charles River. The road did, however, continue to be the main route to Waltham.

In the mid 19th c the road was called Ricci's Lane after a local family. It remained on local street maps through 1955. As recently as 1975 it was described as a "pleasant" country lane.







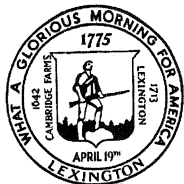
**2015 BROOKHAVEN'S**  
**SOCIAL ACCOUNTABILITY**

<b><u>Date</u></b>	<b><u>Program</u></b>	<b><u>Participants</u></b>	<b><u>Details</u></b>
On-going 2015	Lexington Rotary Club	Jim Freehling	Active Member - Past President of Lexington Rotary
On-going 2015	Low Vision Group	Brookhaven at Lexington And Staff	Meeting Place
On-going 2015	Cub Scouts – Weblo Den Mtgs.	Brookhaven at Lexington and Residents	Meeting Place Participation in Badge work Events with Residents Resident Mentoring
On-going 2015	Senior Girl Scouts	Brookhaven at Lexington and Residents	Meeting Place/Events with Residents
On-going 2015	Daisy Girl Scouts	Brookhaven at Lexington and Residents	Meeting Place/Events with Residents
On-going 2015	Friends Clothing Donations	Brookhaven at Lexington Residents	Clothing Donations
On-going 2015	Bentley University	Brookhaven at Lexington and Residents	Meeting Place and Mentoring
On-going 2015	Lexington Chorale	Brookhaven at Lexington and Residents	Meeting Place

On-going 2015	Friends Quaker Meeting	Brookhaven at Lexington	Meeting Place
On-going 2015	Tufts University Scholars Program	Brookhaven at Lexington	\$3,750 Donation
On-going 2015	Tufts University/OSHER	Brookhaven at Lexington and Residents	Satellite Campus Event Location and Invitations to Tufts/Osher Members
On-going 2015	Heller School for Social Policy and Management	Cathy Woodward	Volunteer - Mock Interviews
On-going 2015	Minuteman Technical HS	Cathy Woodward	Internship for Students
On-going 2015	Lexington Food Pantry	Brookhaven at Lexington and Residents	Donations
On-going 2015	More Than Words	Brookhaven at Lexington and Residents	Collection of Book Donations
On-going 2015	LeadingAge Massachusetts	Brookhaven at Lexington	Meeting Place
On-going 2015	Town of Lexington – Medication Pick-up	Brookhaven at Lexington and Residents	Pick-up Location
On-going 2015	Town of Lexington – Senior Center – Parkinson’s Association	Brookhaven at Lexington Staff and Residents	Meeting Place
January 2015	Sand for Seniors Project	Brookhaven at Lexington	Coordinating filling buckets with ice melt & use of loading dock
January 2015	Town of Lexington Flu Clinic	Brookhaven at Lexington Staff	Provided one Nurse to Administer Flu Shots

January 2015	Carleton Willard	Brookhaven at Lexington	Provided 200 Sandwiches during Sprinkler Flood
January 2015	Citizen's for Lexington Conservation Board	Brookhaven at Lexington	Meeting Space
February 2015	South Lexington Civic Association	Brookhaven at Lexington	Meeting Space
February 2015	Lexington Historical Society	Brookhaven at Lexington	Meeting Space
February 2015	Town of Lexington – Transportation - LEXPRESS	Brookhaven at Lexington	\$1,000 Donation
March 2015	More Than Words	Brookhaven at Lexington and Residents	Donation of \$250
April 2015	The Old Guard	Brookhaven at Lexington	Luncheon Host
April 2015	The Old Guard	Brookhaven at Lexington and Staff	Provided and Hosted Luncheon
May 2015	Bedford VA Hospital	Brookhaven at Lexington and Staff	Donation of Soda, Water & Ice
June 2015	FISH	Brookhaven at Lexington	Meeting Space
June 2015	Lexington's Town Wide Girl Scouts Bridging Ceremony	Brookhaven at Lexington and Residents	Meeting Space
September 2015	Lexington Historical Society	Brookhaven at Lexington	Donation

On-going through September 2015	Lexington Rotary Housing Villages Cookouts Countryside Village Greeley Village Vynebrooke Village	Brookhaven at Lexington	Donation
September 2015	LeadingAge Massachusetts	Brookhaven at Lexington	Meeting Space



*Town of Lexington*  
Town Manager's Office

Linda Crew Vine, Acting Town Manager

Tel: (781) 862-0500 x276  
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July 1, 2005

Jim Freehling  
Brookhaven At Lexington  
1010 Waltham Street  
Lexington, MA 02421

Re: Amendment to agreement dated December 10<sup>th</sup>, 1987 between Choate-Symmes Life Care, Inc. and the Town of Lexington – Payment in Lieu of Taxes

Dear Jim:


This letter formalizes the conversations between Brookhaven and the Town of Lexington regarding the payment of the PILOT. It is my understanding that we have agreed to the following:

Brookhaven at Lexington agrees to amend the PILOT agreement with the Town of Lexington dated December 10<sup>th</sup> 1987 to reflect the addition of 48 new independent units and 11 assisted care units. Once an occupancy permit is received, Brookhaven will begin paying a PILOT at a base amount of \$370,000.00, representing a 29% increase. Additionally there will be an annual escalation clause of 3% going forward until such time that both parties agree to review the terms of this agreement.

Lastly, the existing PILOT is \$286,352.00 and will remain in effect until the above changes take effect.

Please feel free to contact me if there should be any further questions. I appreciated the opportunity to work with you and wish you the best as you move forward with the addition.

Sincerely,

  
Linda Crew Vine  
Acting Town Manager